Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

CONFIDENTIAL

PAGE 01 STATE 037815
ORIGIN L-03

INFO OCT-01 ISO-00 ARA-06 EB-08 INR-07 SS-15 /040 R

DRAFTED BY L/ARA:F.WILLIS:JV
APPROVED BY L/ARA:F.WILLIS
ARA/AND/V - T. SONANDRES
----------182239 102254 /70
R 182036Z FEB 77
FM SECSTATE WASHDC
TO AMEMBASSY CARACAS

C O N F I D E N T I A L STATE 037815

STADIS//

E.O. 11652: GDS

TAGS: PFOR, PGOV, PINS, VE, US

SUBJECT: U.S./GOV LEGAL ASSISTANCE AGREEMENT ON BOEING

1. VENEZUELAN DELEGATION HAS RETURNED TO CARACAS WITHOUT SIGNING AN AGREEMENT TO COVER ILLICIT PAYMENTS BY BOEING IN VENEZUELA. REASON RELATED TO INABILITY OF JUSTICE VICE MINISTER TO PROVIDE ASSURANCES OF RECIPROCAL TREATMENT UNDER THE AGREEMENT SATISFACTORY TO JUSTICE. DELEGATION INDICATED BEFORE LEAVING THAT THEY WOULD BE IN CONTACT WITH US THROUGH THE VENEZUELAN EMBASSY IN WASHINGTON NEXT WEEK TO SET TIMING TO CONCLUDE DISCUSSIONS AND SIGN AN AGREEMENT.

2. JUSTICE REPS, JOHN KEENEY, DEPUTY ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, AND BRUNO RISTAU, CHIEF, FOREIGN LITIGATION, AND FRANK WILLIS, L/ARA, MET WITH VENEZUELAN TEAM TUESDAY AFTERNOON, AGAIN WEDNESDAY AFTER-NOON, AND BRIEFLY THURSDAY MORNING. WHILE VENEZUELAN CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 037815

TEAM SAID FROM THE BEGINNING THAT THEY WERE WILLING TO SIGN AN AGREEMENT ALONG THE LINES OF THE AGREEMENT WITH SPAIN COVERING LOCKHEED PAYMENTS (MAKING ONLY MINOR MODIFICATIONS TO THE TEXT INVOLVING CHANGE OF SPANISH/ SPANISH TO VENEZUELAN/SPANISH), JUSTICE HAS INSISTED, AS IT DOES WITH ANY OTHER COUNTRY DESIRING THIS KIND OF

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

LEGAL ASSISTANCE AGREEMENT, ON SUFFICIENT DISCUSSIONS TO
ASSURE THE OTHER SIDE UNDERSTANDS THE OBLIGATIONS UNDER
THE AGREEMENT AND SATISFYS ITSELF THAT THE OTHER SIDE HAS
AUTHORITY TO COMMIT ITSELF TO THE OBLIGATIONS AND
ABILITY TO COMPLY. JUSTICE HAS DISCOVERED IN DISCUSSIONS

WITH OTHER COUNTRIES THAT THE REACH OF THE AGREEMENT IS
OFTEN NOT FULLY COMPREHENDED AT FIRST, AND ADDITIONAL
MEASURES HAVE SOMETIMES BEEN NECESSARY BEFORE AGREEMENT
COULD ENTER INTO FORCE. THIS DIFFICULTY DEVELOPED IN
THE COURSE OF OUR CONVERSATIONS WITH THE VENEZUELANS.
SPECIFICALLY, TWO KEY FEATURES RELATE TO CONFIDENTIALITY
OF DOCUMENTS TRANSMITTED UNDER AGREEMENT AND RECIPROCITY.
WITH RESPECT TO CONFIDENTIALITY, AFTER LENGTHY EXPLA-
NATIONS, JUSTICE OBTAINED ADEQUATE ASSURANCES THAT NO
PRACTICAL PROBLEMS WOULD ARISE IN IMPLEMENTATION OF THE
AGREEMENT. HOWEVER, JUSTICE HAS NOT BEEN SATISFIED THAT
THE GOV MINISTRY OF JUSTICE COULD ASSURE GENUINE
RECIPROCITY UNDER THE AGREEMENT. IN PARTICULAR, IT
APPEARS THAT MATERIAL WHICH WOULD BE GIVEN TO INVESTIGATING
MAGISTRATES (JUEZ INSTRUCTOR) COULD NOT BE CONDITIONED
ON THE INVESTIGATING MAGISTRATES AGREEMENT TO BE BOUND
BY THE TERMS OF THE LEGAL ASSISTANCE AGREEMENT. (SEE
ARTICLE 4.) WHILE THE VENEZUELAN TEAM FELT
THEY HAD A PRACTICAL SOLUTION TO THE PROBLEM, THEY WERE
UNABLE TO AGREE TO LANGUAGE WHICH WOULD ACCOMMODATE
JUSTICE'S CONCERN. WE GAVE THEM SEVERAL ALTERNATIVE
FORMULATIONS, BUT THE TEAM APPARENTLY DID NOT HAVE
FLEXIBILITY TO DEAL WITH NEW LANGUAGE, AND DECIDED TO
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 037815

RETURN TO CARACAS FOR INSTRUCTIONS. (THE PROBLEM OF
INVESTIGATING MAGISTRATES -- AND THE INABILITY OF JUSTICE
MINISTRY TO AGREE IN AN AGENCY AGREEMENT TO LANGUAGE
THAT WOULD APPEAR TO IMPINGE UPON THE INDEPENDENCE OF THE
JUDICIARY -- HAS CROPPED UP IN THE PAST -- NOTABLY IN
ITALY, ALSO SPAIN --, BUT WE HAVE ALWAYS BEEN ABLE TO
FIND A SATISFACTORY SOLUTION.)

3. BOTH SIDES NOSE MAY BE OUT OF JOINT A LITTLE. THE
GOV TEAM SEEMED CLEARLY ANNOYED THAT WE DID NOT PROMPTLY
SIGN THE AGREEMENT AND HAND OVER DOCUMENTS AS THEY WANTED.
THEY WERE UNABLE TO UNDERSTAND WHY WE COULD NOT PROMPRLY
SIGN OUR OWN STANDARD AGREEMENT, SINCE THEY WERE ACCEPTING
IT IN TOTO EXCEPT FOR INCONSEQUENTIAL CHANGES IN THE
SPANISH TRANSLATION. FURTHER, THEY APPEARED ANNOYED
BY JUSTICE INSISTANCE THAT IT DEAL DIRECTLY
WITH THE VICE MINISTER AND NOT THE STAND-INS MORALES AND
QUERO. JUSTICE ON THE OTHER HAND WAS UNSYMPATHETIC TO

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

THE CONCERN OF THE VICE MINISTER ABOUT THE AMOUNT OF TIME SHE WAS LOOSING IN THE UNITED STATES ;WITH A VERY BUSY SCHEDULE OF IMPORTANT WORK" TO DO IN CARACAS, INASMUCH AS THEY HAD SCHEDULED NEGOTIATIONS FOR TUESDAY AND NOT FOR THE ARRIVAL OF THE VICE MINISTER THE PREVIOUS THURSDAY. JUSTICE FELT THE VENEZUELANS WERE NOT TAKING THE DISCUSSIONS SERIOUSLY ON A SUBJECT OF SUBSTANTIAL IMPORTANCE AND COMPLEXITY. WHILE WE INDICATED THE DESIRE TO DEAL DIRECTLY WITH THE VICE MINISTER, SHE LEFT THE TUESDAY NEGOTIATIONS AFTER AN HOUR, DID NOT SHOW UP AT THE NEXT SESSION ON WEDNESDAY MORNING (JUSTICE CANCELLED THEN UNTIL SHE WAS PREPARED TO MEET WHICH TURNED OUT TO BE 4:00 THAT AFTERNOON), AND SHE DID NOT SHOW UP FOR THE THURSDAY MORNING SESSION (WHEN WE WERE INFORMED THAT SHE HAD ALREADY LEFT FOR CARACAS).

4. WE HAVE INDICATED TO THE VENEZUELANS THAT THE EARLIEST

THEY COULD EXPECT BOEING DOCUMENTS WOULD BE APPROXIMATELY TEN DAYS AFTER SIGNATURE OF AN AGREEMENT.
HARTMAN

NNN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LITIGATION
Control Number: n/a
Copy: SINGLE
Sent Date: 18-Feb-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE037815
Document Source: CORE
Document Unique ID: 00
Drafter: F.WILLIS:JV
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770059-0307
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770226/aaaaawxr.tel
Line Count: 142
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e08d7cc4-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 31-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3278323
Secure: OPEN
Status: NATIVE
Subject: U.S./GOV LEGAL ASSISTANCE AGREEMENT ON BOEING
TAGS: PFOR, PGOV, PINS, VE, US, BOEING
To: CARACAS
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/e08d7cc4-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009